

## WORKING WITH SEXUAL ASSAULT SURVIVORS REFERENCE GUIDE

### Evidence Collection:

- Evidence Collection kits must be offered up to **7 days** after assault has occurred regardless of “likelihood” of finding DNA and **can be completed** after 7 days if requested by survivor.
- Survivors **HAVE** options at the hospital:
  1. Consent to an Evidence Collection Kit **or** Decline
  2. Next: Choose How to report if they are consenting to an evidence collection kit:
    - **A.)** Speak directly to Law Enforcement (LE)
    - **B.)** Allow health care provider to report to LE
    - **C.)** Not report to law enforcement or participate in any part of the investigation
  3. Release Evidence or Hold
    - For options **A. & B.** Survivors can choose to either release the kit for testing right away or hold the kit for up to **10 years** or until **28 if a minor**.
    - For option **C.** kit will automatically be held for up to **10 years** or until **28 if minor**.
      - USE SURVIVOR’S INITIALS ONLY ON OUTSIDE OF KIT
- If a survivor is an adult who has a guardian, health care power of attorney or health care surrogate, the survivor **can consent to healthcare and/or release the kit without additional consent needed**.

<b>Rights <u>without</u> Parental Consent</b>	<b>12 &amp; Under</b>	<b>13 – 16</b>	<b>17 &amp; Over</b>	<b>Adult w/ Disability</b>
Consent to Sexual Activity	NO	NO	YES	Situational
Medical Treatment	YES	YES	YES	YES
Emergency Contraception	YES	YES	YES	YES
STI Preventative Medication	YES	YES	YES	YES
Consent to Evidence Collection	YES	YES	YES	YES
Release Evidence Collection	NO	YES	YES	YES
Drug Screening	NO	YES	YES	YES
Speak with an Advocate	YES (Limited services beyond hospital)	YES	YES	YES
Receive Counseling	NO	YES (Up to 9, 90 min Sessions)	YES	YES (Up to 9, 90 min Sessions)
LE <b>Can</b> Notify Parents	YES	YES	NO	NO
Medical Personnel <b>can</b> Notify Parents	YES	NO	NO	NO
Absolute Privilege	YES (unless DCFS needs to intervene or risk to self)	YES (unless DCFS needs to intervene or risk to self)	YES (unless risk to self, other, or child)	YES (unless APS needs to intervene or risk to self)

\*\*Boxes marked NO can be determined by parent/legal guardian. \*\*

### Emergency Contraception

- By law (SASETA), all survivors must receive **written AND oral** information about pregnancy prevention and offered medication
  - **Plan B** – is effective up to **3 days, 72 hours** after sexual contact occurred.
  - **Ella** – is effective up to **5 days, 120 hours** after sexual contact occurred.
- **Minors do not need parental consent for emergency contraception.**

### Abortion

- **Minors** - As of June 2022, the Parental Notice of Abortion Act (PNA) has been repealed. Minors are no longer required to notify an adult family member in order to access an abortion in Illinois.
- Not covered under SASETA as a form of emergency contraception, but a proper referral should be given

### STI Testing and Treatment

- Symptoms can range from showing up in days to many months.
- It is highly encouraged that **treatment** occur within **72 hours** of the assault. If it has been more than 72 hours inform the survivor that they should speak to the physician in the ER or their primary doctor.
  - **Treatment is provided at no cost if Survivor presents at the ER.** If a survivor chooses not to report or go to the ER they can seek assistance from their primary doctor, but there may be a cost beyond their insurance.
- By law (SASETA), all survivors must receive **written AND oral** information about STIs and medications

### Vouchers

- SASETA requires all Sexual Assault Survivors receive a voucher for medical services while in the ER
  - All victims may still receive a summary of services provided by the hospital, but the balance owed must be \$0.
- Vouchers are good for **180 days** after the initial visit at the hospital ER (1/2023)
  - They can be used for:
    - Lab testing, pharmaceuticals, follow up care with primary physician or OBGYN (should call when scheduling appointment as doctors are not required to take Voucher as form of payment), or any other medical care as a result of the assault.
  - Must be used in the State of Illinois. If victim is from out of state, encourage them to follow up with their local rape crisis center to see what resources are available.
- Victims **must** keep original voucher and provide it to the service provider so a copy can be made.
  - It is recommended that ER prints off **at least 2 copies** for the survivor
- Victims with Medicaid do not need a voucher.
- Victims with private insurance:
  - Their private insurance will be billed first and then all other costs will be covered by the voucher.
  - **For minors or people who are not the primary insurance holder**, if primary insurance holder is parent/guardian/marital partner, they can opt out of using insurance.
  - When survivors opt out, billing is sent to DHFS Sexual Assault Emergency Treatment Program (1/2023)

### Crime Victims Compensation (CVC)

- Victims must file initial application:
  - **Adult without Disabilities-** 5 Years from the date of the crime or 1 year from criminal charge for the offense
  - **Minor-** 3 Years from turning 18
  - **Adult with Disability-** 3 years from the removal of the disability
  - When in doubt apply, CVC may accept delayed applications based on circumstances.
  - Victims can report to the police, receive medical care, **or** apply for a CNCO as a way of becoming eligible.
- Victims will be reimbursed **up to \$45,000** until max is reached or death for **approved** expenses related to the crime including: (8/7/2022)
  - Medical/hospital and dental expenses
  - Mental health counseling
  - Loss of wages (Up to \$2,400)
  - Loss of Dependent Support (Up to \$2,400)
  - Relocation (including temporary lodging, security deposit, moving van, storage, etc.)
  - Replacement of items (including bedding, clothing, glasses, furniture, locks, etc. taken by police)
  - Crime Scene Clean-Up
  - Tuition Loss
  - Funeral/Burial Expenses
  - Transportation to and from medical and counseling treatment facilities.
- Once a victim is eligible they can submit claims for the rest of their life.
- Remind the survivor about the importance of keeping **all** receipts. A “paper trail” is required for all reimbursements.
- CVC is a slow and delayed process, reimbursement occurs at a slow pace.
- **Northwest CASA Advocates can help in the filing process.**

### Civil No Contact Orders (CNCO)

- For any person who is a victim of non-consensual sexual conduct or sexual penetration
- Recommended for victims who believe further contact will be made by offender and they feel unsafe
- Timing is key, the sooner a CNCO is filed the better, so refer victim to speak with Advocate as soon as possible

### Important Reminders

- **Once the evidence collection kit has been open the nurse CANNOT leave the room without taking all pieces of the kit with them to maintain chain of custody.**
  - If the nurse or victim needs something, ask the Advocate or other medical professional for assistance
- The victim **can** refuse any part of the kit and can stop the process at any time.
- It is **now permissible to use a minimal amount of water-soluble non-spermicidal lubricant with speculum** insertions to promote patient comfort during the medical forensic examination. (1/2023)
- **Any police department can take an initial report regardless of jurisdiction of where assault occurred (SAIPA).**
  - If a survivor consents, the nurse and responding officer can take the initial report together to minimize the amount of times a survivor has to tell their story when doing the forensic exam (“kit”).

**Sexual Assault Legislation**

- Sexual Assault Survivors Emergency Treatment Act (SASETA) – 410 ILCS 70/
- Sexual Assault Survivors Emergency Treatment Code – Title 77: Chapter 1: Subchapter f: Part 545
- Sexual Assault Incident Procedure Act (SAIPA) – 725 ILCS 203/

**Important Contact Info:**

- **DCFS 24h Hotline: 1-800-25-ABUSE (1-800-252-2873)**
  - DCFS reports must be made when the offender is in a caretaking role for a minor, 17 or under. (ex., family member, daycare, teacher, coach, etc.).
- **Adult Protective Services 24h Hotline: 1-866-800-1409**
  - APS is used for adults ages 60 or older, or people with disabilities age 18-59.
  - APS is not able to investigate Nursing Homes or other facilities. In these cases, please work with nursing home staff or caregivers on a safety plan.